

**United States District Court
for the
Southern District of New York**
Related Case Statement

Full Caption of Later Filed Case:

Arthur Sheridan, an individual, and Barbara Sheridan, an individual, individually and on behalf of all others similarly situated,

Plaintiff vs. Sirius XM Radio Inc., a Delaware corporation; and Pandora Media, Inc., a Delaware corporation,	Case Number 1:15-cv-07056
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Defendant

Full Caption of Earlier Filed Case:

(including in bankruptcy appeals the relevant adversary proceeding)

FLO & EDDIE, INC., a California corporation, individually and on behalf of all others similarly situated,

Plaintiff vs. SIRIUS XM RADIO, INC. AND DOES 1-10, a Delaware corporation, and DOES 1 through 10,	Case Number 1:13-cv-05784-CM
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Defendant

Status of Earlier Filed Case:

Closed

(If so, set forth the procedure which resulted in closure, e.g., voluntary dismissal, settlement, court decision. Also, state whether there is an appeal pending.)



Open

(If so, set forth procedural status and summarize any court rulings.)

Plaintiffs Flo & Eddie Inc. ("Flo & Eddie") brought suit against Sirius XM Radio Inc. ("Sirius") alleging that Sirius committed common law copyright infringement and engaged in unfair competition by publicly performing and reproducing sound recordings owned by Flo & Eddie. The Court denied Sirius's Motion for Summary Judgment on November 14, 2014, ruling that New York common law protects the public performance and reproduction of sound recordings fixed (recorded) before February 15, 1972. The Court certified an interlocutory appeal from that decision on February 10, 2015 and stayed the case pending appeal. The Second Circuit granted leave to appeal on May 27, 2015.

Explain in detail the reasons for your position that the newly filed case is related to the earlier filed case.

Like Plaintiffs in the earlier case, Plaintiffs in the newly filed case are owners of sound recordings fixed before February 15, 1972. Plaintiffs in the newly filed case assert common law copyright infringement and unfair competition claims, among others, against Sirius XM Radio, Inc. and Pandora Media, Inc. The cases arise out of the same historical background and legal principles surrounding the protection of pre-1972 sound recordings, and involve a common defendant.

Signature:

s/ Jason A. ZweigDate: 09/08/2015

Hagens Berman Sobol Shapiro LLP

Firm: